

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7048 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJ RAJYA ARDHA SARKARI AUDHYOGIK KARMACHARI SANGH

Versus

STATE OF GUJARAT

Appearance:

MR PH PATHAK for Petitioner

MS SIDDHI TALATI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/09/97

ORAL JUDGMENT

Heard learned counsel for the parties.

2. The petitioner, a Karmachari Sangh, has filed this Special Civil Application before this Court and prayer has been made therein for direction to the respondents to regularize the services of all daily wage employees working in the respondent-department, from the initial date of their appointment. In the alternative,

prayer has been made to direct the respondents to prepare a scheme to regularize the daily wage employees on their completion of six months' services. Last prayer has been made for direction to the respondents to to extend the benefit of Government Resolution dated 17th October 1988.

3. This petition has been filed by Karmachari Sangh on behalf of the employees mentioned in annexure 'A' to the Special Civil Application. The learned counsel for the petitioner submitted that the Resolution as framed on 17th October 1988 is applicable to the daily wagger employees of the Agricultural Department who have been appointed on or before 1st October 1988. This Resolution dated 17th October 1988 was further amended from time to time by subsequent Resolutions of the Government. I had an occasion to consider this Resolution and subsequent Resolutions passed by the Government wherefrom it transpired that the Government has decided to regularize the services of daily wages employees who have been appointed prior to 1.10.88. The learned counsel for the respondents does not dispute that the Resolutions aforesaid is applicable to the daily wagger employees of the Agricultural Department who have been appointed earlier to 1st October 1988.

4. In the aforesaid facts and circumstances of the case, interest of justice will be met in case this Special Civil Application is disposed of with direction to the respondents to consider the question of applicability of the Resolution dated 17th October 1988 and subsequent Resolutions to the case of daily wage employees of Agriculture Department and in case these Resolutions are applicable to these employees, then to consider their cases for giving them benefit as is available to them under the Resolution dated 17th October 1988 and subsequent Resolutions of the Government. If the employees mentioned in annexure 'A' to this Special Civil Application are found eligible and entitled for the benefits under these Resolutions, all the necessary benefits should be given to them thereafter. This whole exercise has to be undertaken and completed by respondents within a period of six months from the date of receipt of certified copy of this order. Where the employees mentioned in annexure 'A' to this petition or any of them are not found eligible for the benefits under the Resolutions aforesaid, a reasoned order may be passed and a copy of the same may be sent to the concerned employees. In case of difficulty, liberty is granted to the individual persons as mentioned in annexure 'A' to this petition, for revival of this Special Civil Application. The person who is at Sr.No.4 in annexure

`A' to this Special Civil Application has expired and in case he is found eligible for the benefits following from the aforesaid Resolutions, then the same may be given to his widow.

5. In the result, this Special Civil Application and Rule stand disposed of in aforesaid terms. Interim relief, if any, granted by this Court, stand vacated. No order as to costs.

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(sunil)